

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,) CR. NO. 3:25-CR-54
) COLUMBIA, SC
) JANUARY 30, 2025
)
VERSUS)
)
MOHAMMAD EBRAHIM TORKI)
HARCHEGANI,)
)
DEFENDANT.)
_____)

BEFORE THE HONORABLE PAIGE J. GOSSETT
UNITED STATES MAGISTRATE COURT JUDGE
DETENTION HEARING

APPEARANCES:

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STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

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1 (Whereupon, the hearing commenced at 2:56 p.m.)

2 THE COURT: All right. Ms. Klein, I believe
3 you have the next case.

4 MS. KLEIN: Yes, Judge, may it please the Court.
5 The next matter is United States versus Mohammed Ebrahim
6 Torki Harchegani, criminal docket number 3:25-54. We
7 are here on a detention hearing on this matter.

8 THE COURT: And the Government is prepared to
9 proceed at this time?

10 MS. KLEIN: We are, Your Honor.

11 THE COURT: All right. And, Ms. Najjar, you
12 are representing, I believe, is the surname actually
13 Torki?

14 MS. NAJJAR: Yes, ma'am.

15 THE COURT: Rather than Harchegani, which I was
16 referring to him at his initial appearance, so it is
17 Torki?

18 MS. NAJJAR: Yes, Your Honor.

19 THE COURT: Are you prepared to go forward with a
20 hearing on the Government's motion at this time?

21 MS. NAJJAR: Yes, ma'am.

22 THE COURT: All right. Ms. Klein, you may call
23 your first witness or begin your proffer.

24 MS. KLEIN: Your Honor, the Government calls
25 Special Agent Jackie Hamelryck.

1 THE COURT: Special Agent Hamelryck, if you
2 would please come forward and raise your right hand to
3 be sworn.

4 JACQUELYN HAMELRYCK, having been first duly
5 sworn, testified as follows:

6 DIRECT EXAM

7 BY MS. KLEIN:

8 Q. Special Agent Hamelryck, please describe for the
9 Court your law enforcement background.

10 A. I have worked for the FBI for 26 years, and I was
11 in local law enforcement prior to that for approximately
12 five years.

13 Q. And what kinds of cases, now, as an FBI agent, do
14 you generally investigate?

15 A. Violent crimes against children, which includes
16 sexual exploitation of minors and human trafficking.

17 Q. And have you received extensive training and
18 experience regarding these child sexual exploitation
19 cases?

20 A. Yes, ma'am.

21 Q. Are you the case agent investigating the federal
22 case against the Defendant here?

23 A. Yes.

24 Q. Let's talk about the facts of this case as it goes
25 to the weight of the evidence. What was the date of

1 conduct that gives rise to this indictment?

2 A. December 3rd through the 5th, 2024.

3 Q. And describe for the Court what brought law
4 enforcement into contact with Mr. Torki.

5 A. So, there was a South Carolina internet crimes
6 against children task force undercover chat operation
7 that different federal, state, and local authorities
8 were involved in beginning December 3rd and ending on
9 the 5th in 2024. The goal of that operation was to
10 identify adults on different social media platforms who
11 had an interest in having sex with children and
12 travelling to followup -- follow through with that
13 interest in having sex with minors.

14 Q. And during the time of this operation, did the
15 Defendant make contact with the undercover?

16 A. Yes. So, Mr. Torki ended up contacting and in
17 conversation with one of the undercover designated chat
18 investigators, Mr. Smith. He was portraying himself
19 as a 14-year-old female, Mr. Torki's user name or name
20 he was going by or alias at that time was Alex Shaw.
21 They met on a dating App called Badoo, B-a-d-o-o, it is
22 kind of a free-dating App where you can meet other
23 people.

24 They had a brief contact there and exchanged
25 phone numbers. He mentioned he worked for the

1 University. And then they continued the conversation
2 the following day through Textnow, a free application
3 from -- between two different phone numbers.

4 Q. How the did the Defendant first indicate that he
5 was interested in having sex with this alleged
6 14-year-old?

7 A. He mentioned in the text conversation that he was
8 horny, and that he had very good skills in the bedroom,
9 and he could show her or demonstrate those when they
10 were private together.

11 MS. KLEIN: Your Honor, may I approach the
12 witness?

13 THE COURT: You may.

14 DIRECT EXAM CONTINUED

15 BY MS. KLEIN:

16 Q. Agent, do you recognize the exhibit that has been
17 marked as Government's exhibit 1?

18 A. I do.

19 Q. What are those?

20 A. These are copies of the -- part of the chat
21 conversations between the undercover and Mr. Torki.

22 Q. You say those are just "part" of the
23 conversations, not all of them; is that correct?

24 A. That is correct.

25 MS. KLEIN: Your Honor, at this time, we would

1 move to make that Government's exhibit 1.

2 MS. NAJJAR: No objections.

3 THE COURT: All right. Government's exhibit 1
4 is in evidence without objection.

5 DIRECT EXAM CONTINUED

6 BY MS. KLEIN:

7 Q. Special Agent Hamelryck, would you please read,
8 for the Court, the text messages that make it clear
9 what Mr. Torki's intent was during the exchange of these
10 messages?

11 A. So, in the chat conversation in front of me, one
12 of the comments he makes to who he believes is a
13 14-year-old minor is:

14 "Well I have many skills in the
15 bedroom that I am sure you will
16 love. We can talk about them in
17 person, though. Do you feel
18 comfortable enough to have some
19 privacy together?"

20 He then goes on to describe exactly what he would
21 like to do with her, describes it as this:

22 "Okay. So we are going to start by
23 having a long kiss and whispering
24 love in your ears. Then going down
25 little by little rubbing some baby

oil on your chest and gently sucking
on your" -- he spells out nipples
with some periods in between -- "and
going further down and licking your
belly button. Then laying you down
and getting down in your genitals"
-- and genitals is also spelled with
different periods in between it
spelled out -- "and licking it so
well from top to bottom with a lot
of baby oil and gently touching your
G spot" -- "spot" has periods in
between it spelled out --
"stimulating it so well until you
start shaking to a climax, dot dot
dot."

Then the main story begins with an emoji.

Q. This is after the undercover had expressed they
were 14 years old; is that right?

A. Yes. The undercover had mentioned their age of
14 several times and Mr. Torki had responded in such a
way that he acknowledged that she was a minor because he
said some individuals that would make them uncomfortable
because of the legality of it.

Q. Then did the Defendant eventually arrange to meet

1 with the believed 14-year-old?

2 A. He did.

3 Q. And then did he, in fact, travel to the house
4 where he thought the undercover was?

5 A. He did. He drove his vehicle that was registered
6 in his name to a designated address that was given to
7 him by the undercover. He drove up to the house,
8 walked up to the front door with a backpack and a bag of
9 McDonald's in his hands, and then went around to the
10 side of the house, and walked in to the side door
11 underneath the carport, and he was arrested by Richland
12 County Sheriff's Department when he walked in.

13 Q. At the time he arrived at the residence, did he
14 believe that the 14-year-old was at home alone?

15 A. Yes. During the chats he asked about the parents
16 and he believed that the mom was at work so that the
17 14-year-old was going to be home alone.

18 Q. And you mentioned he brought McDonald's; is that
19 correct?

20 A. That's correct.

21 Q. How does that demonstrate his intent or how is
22 that relevant in this case?

23 A. Prior to coming to the residence, the undercover
24 asked him to stop by a specific McDonald's on Garners
25 Ferry Road in Columbia to pick up a preorder that the

1 undercover had already made at the McDonald's. He
2 ended up driving to McDonald's, law enforcement
3 observed him in his vehicle, he parked in the parking
4 space, waited for the employee to bring that specific
5 order that the undercover had already paid for. Once
6 the order was delivered to his vehicle, he was seen
7 leaving the McDonald's, and then went from the
8 McDonald's to the residence that the undercover had
9 provided as the residence where the 14-year-old was
10 supposed to be home alone.

11 Q. Now, that night when he was arrested, were any
12 of the items that were on the Defendant seized that
13 evening?

14 A. There was a phone and a laptop that was seized.

15 Q. Were search warrants later obtained?

16 A. Yes, there were state search warrants, the
17 internet crimes against children forensic investigator
18 obtained a search warrant for those items.

19 Q. And has a preliminary review of those items begun?

20 A. Preliminary review has begun on the phone.

21 Q. Was there any information that raised concerns for
22 you, as an experienced investigator, in child
23 exploitation?

24 A. There are other conversations that we don't know
25 who the other person is on the other end, they were

1 sexually explicit trying to talk about meeting up with
2 individuals and having sex and different sex acts. And
3 there is also an App on the phone that is created by a
4 burner phone, so it basically, I think, advertises as
5 you can get a new number at the click of a button so it
6 can create or generate a new number for someone if they
7 want it.

8 Q. Was there also SnapChat and Kik Apps observed on
9 this phone?

10 A. Yes. There were several what appeared to be
11 different accounts that he has, one on Kik and one on
12 Snap where he also used that, and those are also in
13 different names. The name that he used in the
14 undercover was Alex Shaw, these had different names,
15 one was George with some numbers, it was spelled
16 G-e-o-r-g-e, and then the other account was J-o-r-g-e,
17 with a series of numbers, I believe.

18 Q. And in your experience in investigating child
19 exploitation, are these Snapchat and Kik Apps also
20 frequently used by offenders to reach and communicate
21 with minors?

22 A. Yes. And it is not unusual that they have
23 multiple accounts in different names to do so.

24 Q. Now, I want to circle back to the messages that
25 were sent by the Defendant to the undercover in this

1 case. What evidence do you have that it was Mr. Torki
2 who was behind the messages that were sent expressing
3 intent to have sex with the minor?

4 A. Well, this conversation was located in the phone
5 in the preview. I was able to locate this particular
6 conversation that we were referring to with the
7 undercover. We were -- I also observed during the
8 conversation there were photographs exchanged between
9 the undercover and Mr. Torki. Mr. Torki provided, I
10 think, two or three photographs of himself, several of
11 them looked like he was in a business setting and one
12 was in his vehicle.

13 Q. In these messages, did he ever make specific
14 references to his job?

15 A. He did. He was a University professor or worked
16 for the University.

17 Q. And I believe you already said he arrived with the
18 food that the undercover said she had ordered in her
19 name?

20 A. Yes. He had the McDonald's order that had been
21 preordered by the undercover in his possession when he
22 arrived at the call. Then, after his arrest, he
23 contacted via email the investigator for Richland County
24 Sheriff's Department asking for his devices back.

25 Q. And in that email to Richland County, did he

1 attempt to explain away his conduct on the night that he
2 was arrested?

3 A. He did. He mentioned he was trapped by someone
4 who was pretending to be a minor that he had taken some
5 food to.

6 Q. Searching the Defendant's history because that is
7 relevant to purposes of detention, is Mr. Torki a
8 citizen of the United States?

9 A. No.

10 Q. Where is he a citizen?

11 A. Iran.

12 Q. What is his legal status here in the United
13 States?

14 A. He is a legal permanent residence.

15 Q. Are you aware of any significant ties outside of
16 the United States, outside of the citizenship?

17 A. Yes, I believe he has family back in Iran.

18 Q. How about significant ties to our community here,
19 our district here?

20 A. The only tie I know of to the community here was
21 his job at the University of South Carolina.

22 Q. What is the status of his job with the University
23 at this time?

24 A. When he was arrested in December, the University
25 of South Carolina put him on notice that he was

1 suspended, and I have since been told by the University
2 that he has -- his contract has not been renewed as of
3 December 31, 2024.

4 Q. So, you do not believe he is employed at this
5 time?

6 A. Correct. He is not employed as far as I know.

7 Q. Do you know whether or not the Defendant is
8 married?

9 A. He is.

10 Q. Do you know whether or not his wife is employed
11 here in the United States?

12 A. I don't know of any employment, but I do know
13 that she is also, I believe, from Iran.

14 Q. Do you know if they own any real property near the
15 district?

16 A. Not that I am aware of. Their residence is a
17 rental apartment.

18 Q. Now, you mentioned that his employment at the
19 University was suspended and his contract was ultimately
20 not renewed. Were there additional communications that
21 you received from the University that pertained to this
22 case?

23 A. Yes. There was a communication from the Dean to
24 Mr. Torki that notified him of his suspension, and in
25 response to that, there is an e-mail from Mr. Torki who

1 advised that the arrest was basically a mistake based on
2 a wrong search warrant that was served at his residence
3 for the previous tenant. He actually attached a copy
4 of a Lexington County Sheriff's Department search
5 warrant. I contacted that investigator, who was on the
6 warrant, and confirmed that it was related to a prior
7 tenant, but it had nothing to do with his arrest in
8 December.

9 Q. Do you recall what the time frame of that search
10 warrant was?

11 A. I believe it was in August of 2024.

12 Q. And just to make sure that it is clear, in August
13 of 2024, there was a different individual living or
14 previously living in the apartment that Mr. Torki was
15 currently living in now; is that correct?

16 A. Right. So, the search warrant is marked
17 unserved, but they did leave a copy at the apartment so
18 that is how Mr. Torki, I believe, must have had it in
19 his possession to be able to send it to the Dean as a
20 reason for his arrest in December.

21 Q. And relayed to the Dean that this was all a
22 miscommunication and a mistake?

23 A. Totally unrelated to his arrest in December.

24 Q. What day was the Defendant federally arrested?

25 A. January 24th, 2025.

1 Q. And after he was arrested, was he transported
2 eventually to the Marshals for booking as is customary
3 with a new arrest?

4 A. Yes.

5 Q. Without getting into the specifics of his medical
6 history, was the Defendant fully truthful with the
7 Marshals about his health status at booking?

8 A. No.

9 Q. Explain to the Court how he was untruthful.

10 A. It is standard procedure for the marshal service
11 to ask standard health related type questions for their
12 own care and also obviously preparing for any housing at
13 local facilities. When he was asked about different
14 health issues, his reply was always no, and that
15 included when they got, when they repeated if he had any
16 infectious diseases.

17 Q. And do you have independent information confirming
18 the Defendant's current health status as it relates to
19 infectious disease?

20 A. I do.

21 Q. Again, I am not trying to embarrass the
22 defendant, but I do think it is relevant to
23 dangerousness. At the time that he travelled to have
24 sex with who he believed to be a minor, had the
25 Defendant -- did the Defendant have an infectious

1 disease that was transmitted sexually?

2 A. Yes.

3 Q. Did he disclose that to the minor?

4 A. No.

5 Q. Are you aware of any evidence that gives you
6 concerns about the Defendant's risk of flight?

7 A. Yes. He has asked on his bond on the state side
8 to travel back to Iran.

9 Q. Do you recall when that was filed?

10 A. January 15th, 2025.

11 Q. And as a condition of his state bond that he not
12 leave the state; is that correct?

13 A. That's correct.

14 Q. And did you look into the Defendant's travel
15 history to see if he had regularly been coming back and
16 forth between Iran prior to his state arrest?

17 A. I did and it looked like at least maybe once a
18 year in the last five to six years annually he was going
19 back to Iran.

20 Q. And you have handled, as I said, a number of cases
21 addressing child exploitation; is that right?

22 A. Yes.

23 Q. Do you have concerns about the safety of the
24 community if this Defendant were to be issued a bond?

25 A. I do.

1 Q. What are those?

2 A. We have individuals who create aliases, their
3 entire meeting online, talking to minors, it is
4 secret, it is not something they are going to share
5 with others. And so my concern is is that you have an
6 individual who is willing to go to someone's house, he
7 had never been before, did not know, believing that a
8 14-year-old was there alone, that he was going to be
9 able to have sex with. And it is very concerning,
10 obviously, because hands-on offenders or potential
11 hands-on offenders, it is very rare that they are only
12 meeting one person online; typically, in my cases, I
13 have seen multiple victims or individuals are trying to
14 meet up with.

15 MS. KLEIN: No further questions from the
16 Government.

17 THE COURT: Cross-examination, Ms. Najjar.

18 MS. NAJJAR: Yes, Your Honor, just briefly.

19 CROSS EXAM

20 BY MS. NAJJAR:

21 Q. Agent Hamelryck, the App that you mentioned, what
22 is it called, Badoo?

23 A. Yes, ma'am.

24 Q. Is that a dating App?

25 A. It is a dating App.

1 Q. Is it similar to like Bumble?

2 A. I don't know. I am not familiar with a lot of
3 the dating Apps, I know Badoo is just a free dating App
4 that anyone can build a profile on and meet other
5 people.

6 Q. Okay. And you have to be 18 years old to join
7 that, correct?

8 A. I think that is one of the requirements; it
9 usually is on the dating Apps.

10 Q. At the time he joined the dating App and you
11 allege he connected with this undercover agent, the
12 profile he would have believed that the person was older
13 than 18 years old, correct?

14 A. I don't know what the profile said, I do know that
15 during the conversation he was told that she was 14.

16 Q. Okay. So, at the time that he joined the App
17 -- the App you just swipe it left or right; is that
18 correct?

19 A. I think so.

20 Q. There is no chat rooms, here?

21 A. When they met, they exchanged phone numbers;
22 during that conversation, he was told several times
23 about her age and he responded.

24 Q. That is not my question, I am asking you about
25 the App itself. The App itself. When you use it, you

1 have to swipe left or right whether you are interested
2 in the person, correct?

3 A. I think so. I have never been on the App, never
4 swiped left or right on Badoo, I have never been on it.

5 Q. Okay. And the person -- the child or this agent
6 did not disclose that they were 14 years old until after
7 they started texting; is that correct?

8 A. I think it was initially. Those conversations
9 were not recorded because the undercover got kicked off
10 Badoo, so they are not recorded like these are. This
11 text conversation is recorded, screen recorded by the
12 undercover. And during this conversation, the 14 --
13 the age of the undercover was mentioned.

14 Q. Okay.

15 A. And so he recognized that the undercover was a
16 minor based on his responses, as well, that she was
17 14.

18 Q. So, the agents did not keep any record of the
19 conversations that were actually on the App?

20 A. It doesn't say, and then they were kicked off of
21 the particular site, so when it moved to a text
22 conversation, they screen-shotted the entire
23 conversation, which this Government's exhibit is a part
24 of.

25 Q. They could have screen-shotted the conversations

1 that were on the App, yes?

2 A. I don't know. I am not the undercover, so that
3 would be a question for that investigator.

4 Q. Okay. And why were they kicked off the App?

5 A. I don't know what the rules of the administrators
6 of Badoo are, I don't work for that company, so I
7 don't know at what point they kick people off or leave
8 people using it.

9 Q. And then you stated that -- did you make any
10 effort, after the fact, to get any of those
11 conversations from Badoo?

12 A. Yes. They didn't maintain them.

13 Q. So, you subpoenaed Badoo?

14 A. We contacted the company and they said they did
15 not maintain or did not have records of that.

16 Q. Did you get a warrants?

17 A. I did not get a search warrant.

18 Q. Did you get a subpoena?

19 A. I did ask for a subpoena, they said that they did
20 not have records for that conversation.

21 Q. You are not answering my question. Did you get a
22 subpoena from the Court?

23 A. No, I did not.

24 Q. All right. You also stated that his laptops were
25 searched, right?

1 A. It was not searched, it was seized, but it has
2 not been processed.

3 Q. The laptop hasn't been processed yet?

4 A. No, ma'am.

5 Q. But the cellphone is processed?

6 A. It has been processed, but the full report has not
7 been provided to me.

8 Q. You said you were a bit concerned because it had
9 SnapChat and the Kik App?

10 A. No, that is not my concern.

11 Q. Well, didn't the Government ask you whether you
12 were concerned because he had SnapChat and Kik?

13 A. My concern is he is using different aliases to
14 create accounts, specifically to hide meeting and
15 interacting with my sex partners, which included this
16 undercover 14-year-old.

17 Q. But it is not illegal to have SnapChat?

18 A. No, ma'am.

19 Q. It is not illegal to make aliases?

20 A. No, ma'am.

21 Q. That is what the agents were doing?

22 A. I'm sorry?

23 Q. That is what the agents did, the undercover
24 agent?

25 A. Yes.

1 Q. And, obviously, you had to run a criminal history
2 check on Mr. Torki, right?

3 A. Yes.

4 Q. And did you find any criminal record at all for
5 Mr. Torki?

6 A. No. The only criminal arrest I found was the one
7 in December.

8 Q. Okay. And you also mentioned this scenario where
9 he had a search warrant that he showed to his
10 supervisor; is that correct?

11 A. He attached it to an e-mail to the Dean, which I
12 think is going to be his direct report.

13 Q. But you do know that he resided at that address
14 when the officers served the warrant, he did not just
15 find it there?

16 A. Right. The warrant was not for him, it was for
17 the previous tenant.

18 Q. I wanted to clarify, it is not like he found some
19 warrant, he actually was in the residence at the time
20 that they tried to execute the warrant, yes?

21 A. I don't know if he was in there or not; I know
22 they did leave the warrant unserved and left a copy
23 there.

24 Q. Okay. And you asked about his significant tie
25 -- whether he had ties to the community, you are not

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1 aware of his ties to the community, current?

2 A. No. The only tie to the community that I am
3 aware of is the University.

4 MS. NAJJAR: Beg the Court's indulgence. No
5 further questions, Your Honor.

6 THE COURT: Before you redirect, Ms. Klein, let
7 me just make sure I don't have any questions for this
8 witness based on my notes.

9 MS. KLEIN: No redirect, Your Honor.

10 THE COURT: Thank you.

11 Special Agent Hamelryck, you may step down.

12 THE WITNESS: Thank you.

13 THE COURT: Ms. Klein, did you have any other
14 evidence you wanted to present or proffer on behalf of
15 the Government?

16 MS. KLEIN: No Your Honor.

17 THE COURT: Ms. Najjar, did you have any
18 evidence you wanted to present or proffer on behalf of
19 the Defendant?

20 MS. NAJJAR: Your Honor, I do have character
21 letters here.

22 THE COURT: Okay.

23 MS. NAJJAR: I have provided Ms. Klein and I
24 believe without objection.

25 MS. KLEIN: No objection, Judge.

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1 MS. NAJJAR: I can proffer or I can do it in
2 argument just to save time for the Court.

3 THE COURT: You had additional information to
4 proffer other than these character letters?

5 MS. NAJJAR: Yes, Your Honor.

6 THE COURT: Go ahead and tell me the evidence or
7 components of that.

8 MS. NAJJAR: Yes, Your Honor. So, I have
9 spoken to Mr. Torki's attorney, Mr. Snell, who informed
10 me that he has actually hired a clinical psychologist
11 and a forensic psychologist Dr. Selman Watson, I have
12 spoken to Mr. Watson (sic). He is conducting an
13 evaluation of Dr. Torki (sic) and has completed two
14 sessions so far and he needs about two more sessions
15 with him. I asked him whether he had any concerns
16 about Mr. Torki and dangerousness to the community and
17 he said, quote, no concerns whatsoever, I don't think
18 he is a threat to anyone.

19 He also told me he is not exhibiting any
20 vegetative signs of depression. He told me that he
21 regularly checks on his clients and that the last time
22 he checked on Mr. Torki, he determined that he was doing
23 okay. He -- and that is when he told me also he had
24 no vegetative signs of depression.

25 In addition to that, I provided the character

1 letters to the Court. I also have the passports of
2 Mr. Torki, along with his wife, is also going to turn
3 that into the Court. Other than that, Your Honor, I
4 save the rest for arguments.

5 THE COURT: Okay. Thank you. All right.
6 Now, I have reviewed Defendant's exhibit 1, which was
7 placed into evidence without objection. At this time,
8 I will hear argument from the Government.

9 MS. KLEIN: Thank you, Judge. This is a
10 rebuttable presumption case, the Defendant, as far as
11 the offense involving a minor in a 2242, and I do
12 believe that presumption has been rebutted despite these
13 character letters and reference to the psychologist who
14 has deemed Mr. Torki not a danger, but it is unclear to
15 me what exactly that psychologist has reviewed, whether
16 he knows the full facts of this case or the full depth
17 of the involvement the Defendant had with the
18 undercover.

19 Regardless of the rebuttable presumption, I do
20 think the factors strongly support detention in this
21 case beginning with the weight of the evidence. The
22 Defendant solicited sex from someone he thought was 14
23 years old. Once he thought they were 14 years old, he
24 sent a series of text messages saying, I am bored and
25 horny, I have skills in the bedroom, and those things

1 that he wants to do to this individual sexually.

2 He then shows up to the child's residence where
3 he thought that she was home alone to have sex with her.
4 And this Defendant has an infectious disease that is
5 transmitted sexually, and was possibly exposing a child
6 to a lifelong illness, and that he has been dishonest
7 about this condition even when confronted by the
8 Marshals.

9 Further, this didn't occur over one day, these
10 messages span several days. So, this is not just one
11 impulsive action, but it is premeditated and calculated
12 when he repeatedly sent these messages and ultimately
13 decided to then travel to the location where the child
14 was.

15 He has also demonstrated a willingness to go
16 hands-on with children. You see a lot of he is in
17 possessions or distribution cases come through this
18 courthouse, but the Defendant is taking it one step
19 further and achieving the highest behavior where he is
20 travelling to have sex with someone who he thinks is a
21 minor.

22 Additional factors include that he was subject
23 to a lengthy period of incarceration. This charge
24 carries a mandatory minimum of ten years, and I
25 recognize he received a state bond, but what he was

1 charged with on the state side does not carry a
2 mandatory minimum, so he is looking at a much more
3 substantial time now.

4 He lacks stable employment. He was suspended
5 as a result of this conduct. And to add insult to
6 injury, he lied to his employer when he tried to say
7 that this prior search warrant for the tenant prior in
8 the apartment he now resided was really who they were
9 after and that is simply not the case, they were after
10 him because he travelled to have sex with the minor.

11 He lacks significant ties to this community. I
12 didn't hear any contrary evidence. While he is
13 married, his wife is unemployed here, she is not a
14 U.S. citizen, they do not have children, they do not
15 own their home, they rent. And he has significant
16 ties outside the United States and they see removal or
17 deportation after serving a period of incarceration in
18 this case.

19 He has also demonstrated an attempt to evade law
20 enforcement. He is using aliases in his communications
21 to disguise himself. He used Alex Shaw in one, and as
22 the agent testified, they found two additional
23 applications where he was using different aliases to
24 have communication with folks. He is sending emails
25 trying to explain away his conduct or deny his intent

1 when arriving to the minor's home, again, who was home
2 alone, and who he was communicating with with clear
3 intent to have sex with. And more concerning, he is
4 filing motions for bond seeking permission to leave the
5 country when he knows he is facing charges here in the
6 United States.

7 The nature of these particular offenses show the
8 Defendant is a danger to the community. He has
9 additional health concerns that make his conduct here
10 even more troubling, and he has shown he is dishonest to
11 his employer, to the Marshals, and I don't believe that
12 he can be honest with the Court in saying he could abide
13 with any conditions that the Court would set and I ask
14 that he be detained.

15 THE COURT: Thank you.

16 Ms. Najjar.

17 MS. NAJJAR: Thank you, Your Honor. Your Honor,
18 I would like to start with the history and
19 characteristics of Mr. Torki. As reflected in his
20 character letters, as well as in the Pretrial Services
21 Report, he has been in the United States for 11 years;
22 he was worked as a professor. He contributes to his
23 community and his family and he has no history of
24 criminal conduct prior to this charge. And, again,
25 this is just a charge under 18 USC 3142(j), nothing in

1 this session should be construed as modified or limiting
2 the presumption of innocence. A lot of the
3 Government's arguments with regard to deportation if he
4 is convicted has to do with whether he is convicted and
5 those are not relevant for purposes of determining bond.

6 Your Honor, furthermore, he is -- his medical
7 condition that the Government believes is a reason for
8 him to be detained is actually a reason for him to be
9 released. He is not receiving his medication at
10 Barnwell. He has a heightened risk of ammonia because
11 of this and his cell count increases without his meds.
12 Prior to this incident, he was regularly visiting his
13 doctor every three months or every two to three weeks,
14 I'm sorry, and he needs to continue those visits with
15 his doctor, as well.

16 As to family ties and community ties, although
17 he has not been in South Carolina, he has been in the
18 United States for 11 years, has always visited his
19 homeland and returned, as well. And the Government is
20 pointing to the fact that he filed a motion in state
21 court for a bond modification to allow him to go to
22 Iran, so that tells you that he is following the Court's
23 orders in requesting these modifications. I do not
24 believe if he was thinking of leaving or running away he
25 would have just left, he would not have notified the

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1 Court and the authorities that he is, you know,
2 wanting to go to, you know. Nevertheless, he did
3 provide both his passport and his wife's passport to the
4 Court to ensure that he has no intention of leaving.
5 And if he ever had any intention of leaving the state
6 even, he would request that from the Court.

7 Your Honor, he was employed, and although he is
8 not employed now, he is actively seeking employment.
9 His wife is employed. She actually works because prior
10 to this they were living in Florida, she has a remote
11 job, she has an annual income, and her job is very
12 secure, and she can support him until he is able to
13 secure another job. However, because of these charges,
14 because of the payment to the state attorney -- the
15 defense attorney on the state side, there is a lot of
16 debt and he needs to assist his wife and find a job to
17 help him get through this time, as well.

18 Your Honor, he has no criminal record, no
19 history relating to drug or alcohol abuse at all, and no
20 record of non appearance. He has been on bond. The
21 conditions of his bond in state court were that he just
22 not leave the State of South Carolina, but otherwise
23 had no low case monitoring or curfews, but he still
24 abided by the Court's orders in the state court. I
25 think that is all I have.

Coloquy

1 Okay. The final thing I will state is he is
2 not a risk of flight and the probation conditions --
3 probation is recommending release here; however, there
4 are a few conditions which Mr. Torki would disagree
5 with: The first one is he get medical or psychiatric
6 treatment as directed by Pretrial Services; he is
7 already getting that treatment. He should not be
8 required to take any medications without the Government
9 meeting its burden to prove that they can compel any
10 sort of treatment and that Probation and the Government
11 should not have any access to any medical records, for
12 that reason he would oppose that condition.

13 He should not be required to participate in any
14 inpatient or outpatient substance abuse therapy, there
15 is no indication that he has any history of that or that
16 he takes any prohibited substances.

17 An issue with electronic monitoring, home
18 incarceration is a bit severe here too, as well. He
19 would ask that he be subject to location monitoring in
20 addition to the conditions that he has in state court so
21 that he can maintain employment and assist his wife at
22 home as well.

23 Your Honor, he would also ask for an unsecured
24 bonds in this case. He -- like I said, has many
25 goings because the Court -- if the Court imposes

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1 conditions, such as location monitoring or even a curfew
2 in this case, that should be sufficient to ensure his
3 appearance at court and that he -- as the doctor
4 stated, and as he has been on bond since December, he
5 is not a danger to the community, and so he would ask
6 for an unsecured bond.

7 THE COURT: All right. Anything further from
8 the Government?

9 MS. KLEIN: Judge, just know that when probation
10 made their recommendation as for secured bond, they
11 weren't aware of the facts of this case, the conduct
12 the Defendant engaged in. And if the Court is so
13 inclined to issue a bond for this Defendant, in addition
14 to the recommendation -- recommended conditions, we
15 would also ask that the Defendant have no contact with
16 minor children, all electronic devices should be
17 disclosed to United States Probation, can be allowed to
18 install software to monitor that activity. This is a
19 standard condition we have seen in other cases,
20 actually for possessors only, but here we have hands on.
21 And then we also ask that he not use, own, view, or
22 read any material depicting or describing sexually
23 explicit conduct involving an identifiable minor.

24 Again, we still strongly feel detention is
25 necessary, but if this Court is inclined to give a

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1 bond, we ask that those conditions also be imposed.

2 THE COURT: All right. Based on everything I
3 have heard today, the information in the Pretrial
4 Services Report and argument of counsel, I have
5 concluded that I need to take this matter under
6 advisement. I want to study some of the conditions
7 that the Court has attempted to use in the past in cases
8 of this type and ponder whether those would address the
9 danger that has been relied on here by the Government,
10 so I will issue an order on the Government's motion as
11 soon as possible.

12 MS. KLEIN: Thank you, Your Honor.

13 (Whereupon, the hearing concluded at 3:35 p.m.)

14 CERTIFICATE

15
16
17 I certify that the foregoing is a correct transcript
18 from the official electronic sound recording tape number
19 196 of the proceedings in the above-entitled matter.
20
21

22 _____
23 S/Debra R. Bull

February 18, 2025
24 _____
25 Date